
Environmental Health Committee

HB 2529

Brief Description: Requiring construction contractors working on a property to notify the property owner and law enforcement of evidence of potential contamination.

Sponsors: Representatives Appleton, Chase and Hasegawa.

Brief Summary of Bill

- Requires contractors to notify property owners and law enforcement if evidence of property contamination is found during construction work or if the property was used for manufacture of illegal drugs.
- Failure to notify may subject the contractor to cost of decontamination, demolition, or disposal under certain circumstances.

Hearing Date: 1/27/10

Staff: Pam Madson (786-7111).

Background:

When real property in a real estate transaction is transferred from a seller to a buyer, the seller must make certain disclosures as part of a seller's disclosure statement about the condition of the property. One disclosure is whether the property has been used as an illegal drug manufacturing site.

Property that has been contaminated by hazardous substances is subject to clean-up and is the responsibility of the property owner. When law enforcement agencies become aware of contaminated property, the contamination must be reported to the local health officer. The property is posted and an inspection is done. If the property is determined unfit for habitation, use of the property can be prohibited. Occupants and parties with a recorded interest in the property are given notice either by personal service or certified mail. Action may be taken by the city or county in which the property is located to condemn, decontaminate, demolish, or vacate the property. The property owner is responsible for costs of property testing, the costs of

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decontamination and disposal, and costs incurred by the local health officer in enforcing the laws on contaminated property.

Summary of Bill:

A construction contractor must notify the property owner and local law enforcement if evidence of potential contamination is found during construction work or if the site has been used for illegal drug manufacture.

Failure to give notice subjects the contractor to expenses for decontamination, demolition, and disposal if the following conditions exist:

- the property is found to be contaminated after the construction is done and there was evidence that the contractor should have noticed at the time of construction;
- the property owner did not occupy the property when the construction was done and had no knowledge of the contamination; and
- the property owner at the time of construction no longer owns the property.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.